



U.S. Department of Justice

*United States Attorney
Eastern District of New York*

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April 4, 2018

By ECF and Interoffice Mail

Honorable Ann M. Donnelly
United States District Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: *United States of America v. Jordan Ross Belfort, and
Delos Living, LLC, Garnishee,
Criminal Docket No. CR-98-0859 (AMD) (E.D.N.Y.)*

Dear Judge Donnelly:

In accordance with Your Honor's March 23, 2018, electronic order, the government has submitted its brief in opposition to the defendant Jordan Ross Belfort's (the "defendant") objection to the above-referenced garnishment proceedings. In support of the government's opposition brief, we have also submitted the Declaration of Peter Laserna, the Declaration of William Gilson and Exhibits 1 through 5 annexed thereto. See Docket Entries 223 – 223-7. The documents have been filed under seal, however, because the brief references and describes documents provisionally filed under seal by the defendant.

On March 14, 2018, and March 16, 2018, the defendant filed two requests to file documents under seal in the above-referenced case. While the government does not formally oppose the defendant's applications, it is unclear if the defendant's motions have established through competent evidence that the documents should remain under seal. See In re Document Techs. Litig., 282 F. Supp. 3d 743, 747 (S.D.N.Y. 2017). Ultimately, it is within the Court's discretion to determine if the documents submitted by the defendant are "judicial documents" and, if so, to balance the competing interests of the presumption of public access to those documents against the privacy interests involved. E.g., id. at 746-747.

If the Court determines that the documents submitted by the defendant should be unsealed, the government respectfully requests that the government's brief and all documents in support thereof (*i.e.*, docket entries 223 – 223-7) also be unsealed.

Finally, we note that a courtesy copy of the government's filings will be sent to Your Honor, in accordance with Rule 1(D) of Your Honor's Individual Practices and Rules. However, the documents will not contain the ECF numbering, indicating that they are the ECF filed copies of the document. See Rule 1(D). The reason for this is that the ECF filed documents cannot be publically accessed, even by the undersigned Assistant U.S. Attorney who filed the documents. Per the Clerk's Office, the documents are not publically available to anyone outside the Court, including the parties to the case.

We thank the Court for its consideration of these issues.

Respectfully submitted,

RICHARD P. DONOGHUE
United States Attorney

By: _____ /s/
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